



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2235

Introduced 2/15/2013, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

730 ILCS 150/3  
730 ILCS 150/10

from Ch. 38, par. 230

Amends the Sex Offender Registration Act. Provides that the sex offender shall pay a \$100 registration fee at the time of initial registration and at the time of each annual registration. Provides that if the person is unable to pay the full amount of the fee in one lump sum, the registering law enforcement agency may establish a payment plan. Provides that if the person signs a statement under penalty of perjury affirming the person is indigent and unable to pay the registration fee in a lump sum or installments, the person shall perform 100 hours of community service within 90 days of registration, if community service is available. Changes the distribution formula for the fees. Provides that a failure to comply with the registration fee requirements by a person who is required to register as a sex offender is a Class 3 felony. Effective immediately.

LRB098 08605 RLC 38723 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Registration Act is amended by  
5 changing Sections 3 and 10 as follows:

6 (730 ILCS 150/3)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or  
9 sexual predator shall, within the time period prescribed in  
10 subsections (b) and (c), register in person and provide  
11 accurate information as required by the Department of State  
12 Police. Such information shall include a current photograph,  
13 current address, current place of employment, the sex  
14 offender's or sexual predator's telephone number, including  
15 cellular telephone number, the employer's telephone number,  
16 school attended, all e-mail addresses, instant messaging  
17 identities, chat room identities, and other Internet  
18 communications identities that the sex offender uses or plans  
19 to use, all Uniform Resource Locators (URLs) registered or used  
20 by the sex offender, all blogs and other Internet sites  
21 maintained by the sex offender or to which the sex offender has  
22 uploaded any content or posted any messages or information,  
23 extensions of the time period for registering as provided in

1 this Article and, if an extension was granted, the reason why  
2 the extension was granted and the date the sex offender was  
3 notified of the extension. The information shall also include a  
4 copy of the terms and conditions of parole or release signed by  
5 the sex offender and given to the sex offender by his or her  
6 supervising officer, the county of conviction, license plate  
7 numbers for every vehicle registered in the name of the sex  
8 offender, the age of the sex offender at the time of the  
9 commission of the offense, the age of the victim at the time of  
10 the commission of the offense, and any distinguishing marks  
11 located on the body of the sex offender. A sex offender  
12 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
13 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012  
14 shall provide all Internet protocol (IP) addresses in his or  
15 her residence, registered in his or her name, accessible at his  
16 or her place of employment, or otherwise under his or her  
17 control or custody. If the sex offender is a child sex offender  
18 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
19 1961 or the Criminal Code of 2012, the sex offender shall  
20 report to the registering agency whether he or she is living in  
21 a household with a child under 18 years of age who is not his or  
22 her own child, provided that his or her own child is not the  
23 victim of the sex offense. The sex offender or sexual predator  
24 shall register:

- 25 (1) with the chief of police in the municipality in  
26 which he or she resides or is temporarily domiciled for a

1 period of time of 3 or more days, unless the municipality  
2 is the City of Chicago, in which case he or she shall  
3 register at the Chicago Police Department Headquarters; or

4 (2) with the sheriff in the county in which he or she  
5 resides or is temporarily domiciled for a period of time of  
6 3 or more days in an unincorporated area or, if  
7 incorporated, no police chief exists.

8 If the sex offender or sexual predator is employed at or  
9 attends an institution of higher education, he or she shall  
10 also register:

11 (i) with:

12 (A) the chief of police in the municipality in  
13 which he or she is employed at or attends an  
14 institution of higher education, unless the  
15 municipality is the City of Chicago, in which case he  
16 or she shall register at the Chicago Police Department  
17 Headquarters; or

18 (B) the sheriff in the county in which he or she is  
19 employed or attends an institution of higher education  
20 located in an unincorporated area, or if incorporated,  
21 no police chief exists; and

22 (ii) with the public safety or security director of the  
23 institution of higher education which he or she is employed  
24 at or attends.

25 The registration fees shall only apply to the municipality  
26 or county of primary registration, and not to campus

1 registration.

2 For purposes of this Article, the place of residence or  
3 temporary domicile is defined as any and all places where the  
4 sex offender resides for an aggregate period of time of 3 or  
5 more days during any calendar year. Any person required to  
6 register under this Article who lacks a fixed address or  
7 temporary domicile must notify, in person, the agency of  
8 jurisdiction of his or her last known address within 3 days  
9 after ceasing to have a fixed residence.

10 A sex offender or sexual predator who is temporarily absent  
11 from his or her current address of registration for 3 or more  
12 days shall notify the law enforcement agency having  
13 jurisdiction of his or her current registration, including the  
14 itinerary for travel, in the manner provided in Section 6 of  
15 this Act for notification to the law enforcement agency having  
16 jurisdiction of change of address.

17 Any person who lacks a fixed residence must report weekly,  
18 in person, with the sheriff's office of the county in which he  
19 or she is located in an unincorporated area, or with the chief  
20 of police in the municipality in which he or she is located.  
21 The agency of jurisdiction will document each weekly  
22 registration to include all the locations where the person has  
23 stayed during the past 7 days.

24 The sex offender or sexual predator shall provide accurate  
25 information as required by the Department of State Police. That  
26 information shall include the sex offender's or sexual

1 predator's current place of employment.

2 (a-5) An out-of-state student or out-of-state employee  
3 shall, within 3 days after beginning school or employment in  
4 this State, register in person and provide accurate information  
5 as required by the Department of State Police. Such information  
6 will include current place of employment, school attended, and  
7 address in state of residence. A sex offender convicted under  
8 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012 shall  
10 provide all Internet protocol (IP) addresses in his or her  
11 residence, registered in his or her name, accessible at his or  
12 her place of employment, or otherwise under his or her control  
13 or custody. The out-of-state student or out-of-state employee  
14 shall register:

15 (1) with:

16 (A) the chief of police in the municipality in  
17 which he or she attends school or is employed for a  
18 period of time of 5 or more days or for an aggregate  
19 period of time of more than 30 days during any calendar  
20 year, unless the municipality is the City of Chicago,  
21 in which case he or she shall register at the Chicago  
22 Police Department Headquarters; or

23 (B) the sheriff in the county in which he or she  
24 attends school or is employed for a period of time of 5  
25 or more days or for an aggregate period of time of more  
26 than 30 days during any calendar year in an

1 unincorporated area or, if incorporated, no police  
2 chief exists; and

3 (2) with the public safety or security director of the  
4 institution of higher education he or she is employed at or  
5 attends for a period of time of 5 or more days or for an  
6 aggregate period of time of more than 30 days during a  
7 calendar year.

8 The registration fees shall only apply to the municipality  
9 or county of primary registration, and not to campus  
10 registration.

11 The out-of-state student or out-of-state employee shall  
12 provide accurate information as required by the Department of  
13 State Police. That information shall include the out-of-state  
14 student's current place of school attendance or the  
15 out-of-state employee's current place of employment.

16 (a-10) Any law enforcement agency registering sex  
17 offenders or sexual predators in accordance with subsections  
18 (a) or (a-5) of this Section shall forward to the Attorney  
19 General a copy of sex offender registration forms from persons  
20 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
21 11-21 of the Criminal Code of 1961 or the Criminal Code of  
22 2012, including periodic and annual registrations under  
23 Section 6 of this Act.

24 (b) Any sex offender, as defined in Section 2 of this Act,  
25 or sexual predator, regardless of any initial, prior, or other  
26 registration, shall, within 3 days of beginning school, or

1 establishing a residence, place of employment, or temporary  
2 domicile in any county, register in person as set forth in  
3 subsection (a) or (a-5).

4 (c) The registration for any person required to register  
5 under this Article shall be as follows:

6 (1) Any person registered under the Habitual Child Sex  
7 Offender Registration Act or the Child Sex Offender  
8 Registration Act prior to January 1, 1996, shall be deemed  
9 initially registered as of January 1, 1996; however, this  
10 shall not be construed to extend the duration of  
11 registration set forth in Section 7.

12 (2) Except as provided in subsection (c)(2.1) or  
13 (c)(4), any person convicted or adjudicated prior to  
14 January 1, 1996, whose liability for registration under  
15 Section 7 has not expired, shall register in person prior  
16 to January 31, 1996.

17 (2.1) A sex offender or sexual predator, who has never  
18 previously been required to register under this Act, has a  
19 duty to register if the person has been convicted of any  
20 felony offense after July 1, 2011. A person who previously  
21 was required to register under this Act for a period of 10  
22 years and successfully completed that registration period  
23 has a duty to register if: (i) the person has been  
24 convicted of any felony offense after July 1, 2011, and  
25 (ii) the offense for which the 10 year registration was  
26 served currently requires a registration period of more

1 than 10 years. Notification of an offender's duty to  
2 register under this subsection shall be pursuant to Section  
3 5-7 of this Act.

4 (2.5) Except as provided in subsection (c)(4), any  
5 person who has not been notified of his or her  
6 responsibility to register shall be notified by a criminal  
7 justice entity of his or her responsibility to register.  
8 Upon notification the person must then register within 3  
9 days of notification of his or her requirement to register.  
10 Except as provided in subsection (c)(2.1), if notification  
11 is not made within the offender's 10 year registration  
12 requirement, and the Department of State Police determines  
13 no evidence exists or indicates the offender attempted to  
14 avoid registration, the offender will no longer be required  
15 to register under this Act.

16 (3) Except as provided in subsection (c)(4), any person  
17 convicted on or after January 1, 1996, shall register in  
18 person within 3 days after the entry of the sentencing  
19 order based upon his or her conviction.

20 (4) Any person unable to comply with the registration  
21 requirements of this Article because he or she is confined,  
22 institutionalized, or imprisoned in Illinois on or after  
23 January 1, 1996, shall register in person within 3 days of  
24 discharge, parole or release.

25 (5) The person shall provide positive identification  
26 and documentation that substantiates proof of residence at

1 the registering address.

2 (6) The person shall pay a \$100 ~~initial~~ registration  
3 fee at the time of initial registration and at the time of  
4 each annual registration. If the person is unable to pay  
5 the full amount of the fee in one lump sum, the registering  
6 law enforcement agency may establish a payment plan. If the  
7 person signs a statement under penalty of perjury affirming  
8 the person is indigent and unable to pay the registration  
9 fee in a lump sum or installments, the person shall perform  
10 100 hours of community service within 90 days of  
11 registration, if community service is available. The  
12 registering agency shall establish procedures to document  
13 receipt, disbursement and use of the funds. Thirty dollars  
14 of the \$100 fee shall be used by the registering agency for  
15 official purposes. The registering agency shall deposit  
16 the remaining \$70 of the fee as follows:

17 (i) thirty dollars into the Attorney General Sex  
18 Offender Awareness, Training and Education Fund.  
19 Moneys deposited into the Fund shall be used by the  
20 Attorney General to administer the I-SORT program and  
21 to alert and educate the public, victims and witnesses  
22 of their rights under various victim notification laws  
23 and for training law enforcement agencies, State's  
24 Attorneys, and medical providers of their legal duties  
25 concerning the prosecution and investigation of sex  
26 offenses.

1           (ii) thirty dollars into the Sex Offender  
2           Registration Fund and shall be used by the Department  
3           of State Police to maintain and update the Illinois  
4           State Police Sex Offender Registry.

5           (iii) ten dollars into the Sex Offender Management  
6           Board Fund under Section 19 of the Sex Offender  
7           Management Board Act. Moneys deposited into the Fund  
8           shall be administered by the Sex Offender Management  
9           Board and shall be used to fund practices endorsed or  
10           required by the Sex Offender Management Board Act  
11           including but not limited to sex offenders evaluation,  
12           treatment, or monitoring programs that are or may be  
13           developed, as well as for administrative costs,  
14           including staff, incurred by the Board.

15           The registering agency shall deposit the money at least  
16           quarterly. and a \$100 annual renewal fee. The fees shall be  
17           used by the registering agency for official purposes. The  
18           agency shall establish procedures to document receipt and  
19           use of the funds. The law enforcement agency having  
20           jurisdiction may waive the registration fee if it  
21           determines that the person is indigent and unable to pay  
22           the registration fee. Thirty five dollars for the initial  
23           registration fee and \$35 of the annual renewal fee shall be  
24           used by the registering agency for official purposes. Five  
25           dollars of the initial registration fee and \$5 of the  
26           annual fee shall be deposited into the Sex Offender

1 ~~Management Board Fund under Section 19 of the Sex Offender~~  
2 ~~Management Board Act. Money deposited into the Sex Offender~~  
3 ~~Management Board Fund shall be administered by the Sex~~  
4 ~~Offender Management Board and shall be used by the Board to~~  
5 ~~comply with the provisions of the Sex Offender Management~~  
6 ~~Board Act. Thirty dollars of the initial registration fee~~  
7 ~~and \$30 of the annual renewal fee shall be deposited into~~  
8 ~~the Sex Offender Registration Fund and shall be used by the~~  
9 ~~Department of State Police to maintain and update the~~  
10 ~~Illinois State Police Sex Offender Registry. Thirty~~  
11 ~~dollars of the initial registration fee and \$30 of the~~  
12 ~~annual renewal fee shall be deposited into the Attorney~~  
13 ~~General Sex Offender Awareness, Training, and Education~~  
14 ~~Fund. Moneys deposited into the Fund shall be used by the~~  
15 ~~Attorney General to administer the I-SORT program and to~~  
16 ~~alert and educate the public, victims, and witnesses of~~  
17 ~~their rights under various victim notification laws and for~~  
18 ~~training law enforcement agencies, State's Attorneys, and~~  
19 ~~medical providers of their legal duties concerning the~~  
20 ~~prosecution and investigation of sex offenses.~~

21 (d) Within 3 days after obtaining or changing employment  
22 and, if employed on January 1, 2000, within 5 days after that  
23 date, a person required to register under this Section must  
24 report, in person to the law enforcement agency having  
25 jurisdiction, the business name and address where he or she is  
26 employed. If the person has multiple businesses or work

1 locations, every business and work location must be reported to  
2 the law enforcement agency having jurisdiction.

3 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;  
4 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.  
5 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff. 1-1-12; 97-333, eff.  
6 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,  
7 eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 (730 ILCS 150/10) (from Ch. 38, par. 230)

9 Sec. 10. Penalty.

10 (a) Any person who is required to register under this  
11 Article who violates any of the provisions of this Article, any  
12 person who is required to register under this Article who fails  
13 to comply with paragraph (6) of subsection (c) of Section 3,  
14 and any person who is required to register under this Article  
15 who seeks to change his or her name under Article 21 of the  
16 Code of Civil Procedure is guilty of a Class 3 felony. Any  
17 person who is convicted for a violation of this Act for a  
18 second or subsequent time is guilty of a Class 2 felony. Any  
19 person who is required to register under this Article who  
20 knowingly or wilfully gives material information required by  
21 this Article that is false is guilty of a Class 3 felony. Any  
22 person convicted of a violation of any provision of this  
23 Article shall, in addition to any other penalty required by  
24 law, be required to serve a minimum period of 7 days  
25 confinement in the local county jail. The court shall impose a

1 mandatory minimum fine of \$500 for failure to comply with any  
2 provision of this Article. These fines shall be deposited in  
3 the Sex Offender Registration Fund. Any sex offender, as  
4 defined in Section 2 of this Act, or sexual predator who  
5 violates any provision of this Article may be arrested and  
6 tried in any Illinois county where the sex offender can be  
7 located. The local police department or sheriff's office is not  
8 required to determine whether the person is living within its  
9 jurisdiction.

10 (b) Any person, not covered by privilege under Part 8 of  
11 Article VIII of the Code of Civil Procedure or the Illinois  
12 Supreme Court's Rules of Professional Conduct, who has reason  
13 to believe that a sexual predator is not complying, or has not  
14 complied, with the requirements of this Article and who, with  
15 the intent to assist the sexual predator in eluding a law  
16 enforcement agency that is seeking to find the sexual predator  
17 to question the sexual predator about, or to arrest the sexual  
18 predator for, his or her noncompliance with the requirements of  
19 this Article is guilty of a Class 3 felony if he or she:

20 (1) provides false information to the law enforcement  
21 agency having jurisdiction about the sexual predator's  
22 noncompliance with the requirements of this Article, and,  
23 if known, the whereabouts of the sexual predator;

24 (2) harbors, or attempts to harbor, or assists another  
25 person in harboring or attempting to harbor, the sexual  
26 predator; or

1           (3) conceals or attempts to conceal, or assists another  
2           person in concealing or attempting to conceal, the sexual  
3           predator.

4           (c) Subsection (b) does not apply if the sexual predator is  
5           incarcerated in or is in the custody of a State correctional  
6           facility, a private correctional facility, a county or  
7           municipal jail, a State mental health facility or a State  
8           treatment and detention facility, or a federal correctional  
9           facility.

10          (d) Subsections (a) and (b) do not apply if the sex  
11          offender accurately registered his or her Internet protocol  
12          address under this Act, and the address subsequently changed  
13          without his or her knowledge or intent.

14          (Source: P.A. 94-168, eff. 1-1-06; 94-988, eff. 1-1-07; 95-579,  
15          eff. 6-1-08.)

16          Section 99. Effective date. This Act takes effect upon  
17          becoming law.